

USSN: 09/131,941
Group No. 2752
Examiner: Psitos
Page 3

18. (New)

A storage medium according to claim 17, wherein said unitary attribute information units and said aggregate attribute information units are located at different locations of the storage medium.

REMARKS

Claim objections

On page 2, item 3 of his Official Action the Examiner has objected the drawings under 37 CFR 1.83 (a). In response to item 3a) of the Action, it is submitted that the *"determining unit"* is shown as element 100 in Figure 8. In response to item 3b) of the Action, it is submitted that the *"attribute change unit"* is represented by elements 100 and 93 in Figure 8. In response to item 3c) of the Action, it is submitted that the *"search unit"* is represented by elements 100 and 101 in Figure 8. Finally, in response to item 3d) of the Action, it is submitted that the features of claims 5-6 and 8-9 are shown in Figures 8 to 10.

Claim rejections

The Examiner has rejected claims 1-3 under 35 USC 102(e) as being anticipated by US Pat. No. 5,987,417 in the name of Heo et al. This rejection is respectfully traversed. Heo et al. does not teach or suggest that *"aggregate attribute information including the unit attribute information corresponding to the aggregate audio information is recorded on the*

storage medium", as recited in claim 1. See also element 13 in Figure 4, and Figure 6 of the present application. Heo et al discloses in Figs. 5 to 11 the data structure of an audio DVD format. However, this is merely a known standardized format, in which no aggregate attribute information is disclosed. Figure 5A, for example, shows audio data and audio data information. There is however no aggregate attribute information recorded. Thus, Heo et al fails to teach or suggest the concept of storing the aggregation (or collection) of the unit attribute information on an area of the storage medium. It is therefore submitted that claim 1 is patentably distinct from Heo et al. Claims 2 and 3, being dependent on claim 1, are also deemed to be patentable. The advantage of aggregating the unit attribute information is described in the specification at page 23 lines 8-18. In this way the technical problem of successively reproducing in a correct and smooth manner songs having different audio attributes is solved, see also page 3 lines 9-12.

The Examiner has rejected claims 1-2 under 35 USC 102(b) as being anticipated by the Ludeman article "Extended audio-video system", published in the IBM Technical Disclosure Bulletin, vol. 19, no. 5, p. 1546-1547, October 1976. This rejection is respectfully traversed. Ludeman fails to teach or suggest storing the aggregate attribute information recorded which includes the unit attribute information corresponding to the aggregate audio information. In the figure of the article, Ludeman shows an audio block 3 and a control block 2 corresponding to the audio block 3. According to the

Examiner's interpretation, the control block 2 corresponds to the claimed "*aggregate attribute information*". However, this interpretation is not supported. In fact, should the control block 2 correspond to the "*aggregate attribute information*" as believed by the Examiner, there would be the need to locate in Ludeman the "*unit attribute information*" of claim 1 of the present invention. When comparing the Ludeman article with the present invention as claimed, the best interpretation of the figure shown in Ludeman is that the audio block 3 in Ludeman corresponds to the "*unit audio information*" of claim 1 of the present invention and that the control block 2 in Ludeman corresponds to the "*unit attribute information*" of claim 1 of the present invention. Hence, in spite of the Examiner's assertion to the contrary, there is no "*aggregate attribute information*" in Ludeman. It is therefore believed that claims 1-2 are patentably distinguished over Ludeman.

The Examiner has also rejected Claim 3 under 35 USC 103(a) as being unpatentable over Ludeman in view of Heo et al. Having now shown the difference between the invention as claimed and the Heo and Ludeman references, it is submitted that also claim 3 is patentable over the prior art.

Finally, the Examiner has rejected Claims 4-15 under 35 USC 102(e) as anticipated by Heo et al, or alternatively under 35 USC 103(a) as being unpatentable over Heo et al considered with Yamamoto et al or Yoshio et al. Having now shown the difference

USSN: 09/131,941
Group No. 2752
Examiner: Psitos
Page 6

between the invention as claimed and the Heo reference (namely that Heo et al fails to teach or suggest the concept of storing the aggregation of the unit attribute information on an area of the storage medium), it is submitted that also Claims 4-15 are patentable over the prior art.

New claims

New claims 16 to 18 have been added. Claims 16 specifies that the unit attribute information and the aggregate attribute information are recorded at different locations of the storage medium. Claim 17 claims the information storage medium in terms of units of audio information, units of aggregate audio information (see, for example, elements 3 of Figure 4), units of unitary attribute information (see, for example, element 10 of Figure 4) and units of aggregate attribute information (see, for example, element 13 of Figure 4). Claim 18 specifies that the unitary attribute information units and the aggregate attribute information units are located at different locations of the storage medium.

For the reasons explained above, favorable reconsideration of the present application is respectfully requested.

Applicant also encloses herewith a copy of an Information Disclosure Statement which was filed with the U.S. Patent and Trademark Office on August 15, 2000. As such,

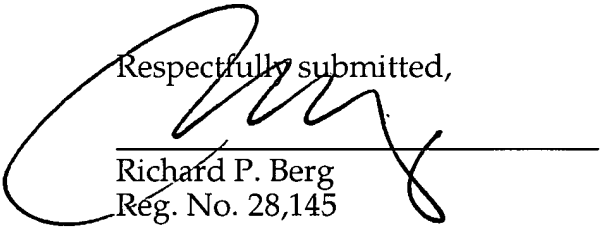
USSN: 09/131,941
Group No. 2752
Examiner: Psitos
Page 7

the Examiner should have a copy of the references cited therein. The Examiner is respectfully requested to review the references and to initial the previously submitted Information Disclosure Statement.

USSN: 09/131,941
Group No. 2752
Examiner: Psitos
Page 8

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Respectfully submitted,


Richard P. Berg
Reg. No. 28,145

LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, California 90036
(323) 934-2300

Enclosures - Check for two-month extension of time
Petition for two-month extension of time
Letter to Patent Office's Draftsman
Corrected drawings (2)
Copy of IDS submitted on August 15, 2000
Postcard

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on September 12, 2000.

Richard P. Berg
(Name of Applicant, Assignee
or Registered Representative)


Signature

September 12, 2000

Date